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REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 7th May, 2013

S.R.O. No. 323/2013— The following draft of certain rules, further to amend the Odisha Government Land Settlement Rules, 1983 which the State Government propose to make in exercise of the powers conferred by Section 8-A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962) , is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of thirty days from the date of publication of this notification in the *Odisha Gazette*.

Any objection or suggestion which may be received from any person with respect to the said draft before expiry of the period so specified will be considered by the State Government.

1. (1) These rules may be called the Odisha Government Land Settlement (Amendment) Rules, 2013.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. In the Odisha Government Land Settlement Rules, 1983, (hereinafter referred to as the said rules), in rule 2, in sub-rule (1), for clause (h), the following clause shall be substituted, namely:—

“(h) ‘Urban area’ means an area within the limits of

- (i) a Municipal Corporation, Municipality or Notified Area Council;
- (ii) the area of jurisdiction of a Development Authority, or

(iii) such other area as the Government may, by notification, decide from time to time.”.

3. In the said rules, in rule 3, after sub-rule (3), the following sub-rule shall be inserted, namely:—

“(4) Notwithstanding anything contained in sub rules (1) and (3), any land in urban area may be settled on lease basis,

- (i) by public auction, by such authority in such manner, following such procedure and subject to such conditions as the Government may decide.
- (ii) in favour of a Development Authority or the Odisha State Housing Board or any other Corporation or Company owned by the Government for the purpose of a housing or commercial scheme for eventual allotment to eligible persons or organizations on sub-lease basis subject to such condition/s as the Government may, by notification, decide.
- (iii) in favour of any Government Department, Corporation or authority or any other organization or institution for such purpose and on such condition/s as may be decided.”.

4. In the said rules, in rule 5, in sub-rule (2), after the word and figure ‘Form – 1’, the following words and the figure shall be inserted, namely:-

“or, as the case may be, in Form 1-A.”.

5. In the said rules, in rule 8, for sub-rule (5), the following sub-rule shall be substituted, namely:—

“(5) Public auction of land under clause (iv) of sub-rule (3) of rule 3 shall be conducted in the following manner, namely:—

- (a) the public auction shall be conducted by the Collector or such other officer or authority as the Government may direct;
- (b) before public auction is held, a notice giving at least clear twenty-one day’s time shall be published fixing the date, hour and place of auction in two daily news papers having wide circulation in the State and in such other manner as may be considered necessary for wide publicity;

- (c) the notice shall also specify the upset price for the land below which no bid shall be entertained. The upset price will be fixed by the Collector with the approval of the Revenue Divisional Commissioner;
- (d) the persons desirous of participating in the auction shall deposit 5% of the upset price as earnest money before the time fixed for commencement of auction. The earnest money will be refunded to the unsuccessful bidders at the end of the bid;
- (e) the successful bidder shall be required to deposit balance amount up to 5% of the winning bid amount on the same working day, as earnest money. The balance of the bid amount shall be payable within thirty days or such other period as may be specified in the notice. Failure to make the payment shall result in forfeiture of earnest money and disqualification from participating in any further auction for a period of one year;
- (f) the land shall be settled in favour of the highest bidder on lease basis or, for the reasons to be recorded in writing, put to fresh auction.”.

6. In the said rules, after rule 8, the following rule shall be inserted, namely:—

“8 A. Auction of land in rural areas:—

- (1) notwithstanding anything to the contrary in these rules, where the Revenue Divisional Commissioner is of the view that any plot of land in a rural area is suitable for commercial or residential purpose for High Income Groups having regard to its location and market potential, he may allow such land to be settled by public auction;
- (2) public auction of such land shall be conducted by the Collector in the manner provided in sub- rule (5) of rule 8.”.

7. In the said rules, after rule 9, the following rule shall be inserted, namely:—

“9 A. Permissive Possession:—

- (1) Permissive possession of land may be granted for the purpose of plantations subject to such terms and conditions and on payment of ground rent, cess and such amount of fee as may be decided by the Government by a general or a special order;

- (2) Collector may, by a written order, cancel the permissive possession on violation of any of terms and conditions of the sanction of such possession, and all the immovable properties including trees or structures and any other improvement on the land shall be forfeited to the Government, on passing of such order:

provided that no order under the sub-rule shall be passed without giving reasonable opportunity of being heard;

- (3) Collector shall have power to terminate the permissive possession at any time if the land is required for the purpose of settlement for any purpose under these rules without payment of any compensation.”

8. In the said rules, after rule 11, the following rule shall be inserted, namely:—

“11A. Sanction of Advance Possession:—

- (1) wherever the power to settle land vests with an authority above the rank of Collector and the Government is satisfied that it is necessary or expedient in the public interest so to do, it may allow grant of advance possession of land by a speaking order for such purpose and subject to such conditions as may be specified in the order;
- (2) on receipt of an order under sub-rule (1), the Tahasildar shall handover advance possession of land to the applicant on fulfillment of conditions specified in the order, and submit the lease case records to the Collector within sixty days through the Sub-Divisional Officer;
- (3) in all cases where advance possession has been granted, the Collector shall directly send the lease case records to the competent authority to settle the land.”

9. In the said rules, after Form 1, the following Form shall be inserted, namely:—

“Form I A

[See rule 5 (2)]

**APPLICATION FOR SETTLEMENT OF LAND BY THE APPLICANTS OTHER THAN
INDIVIDUALS**

To

The Tahasildar

1. Type of the Applicant: (Strike out whichever is not applicable)
 - a. Central Government Ministry or Department
 - b. State Government Department
 - c. Corporation / Company /Society / Agency owned by Central Government
 - d. Corporation / Company /Society / Agency owned by State Government
 - e. Public Ltd. Company /Private Ltd. Company other than those in (c) or (d)
 - f. Registered Society / Trust other than those in (c) or (d)
 - g. Any other entity (please specify):
2. Address of the Applicant Organization:
 - a. Headquarters:
 - b. Local office in Odisha [if other than (a)]
3. Particulars of the authorized representative of the applicant organization:

Name:

Father's Name:

Designation:

Address:

4. Detailed particulars of the land applied for :

Name of Village / Urban Area:

Holding No, if any:

Plot No:

Area applied for:

Boundary:

. 5. Purpose for which the land is required:

Declaration

I solemnly affirm that the particulars given above and the documents enclosed with the application are correct and true to the best of my knowledge.

Office Seal of the Authorized
Representative / Organization

Signature of the
Authorized Representative with
Name & Designation

Date

Documents to be enclosed

- (i) Authorization of the organization in favour of the representative
- (ii) Attested true copy of certificate of Incorporation / Registration, if applicable
- (iii) Attested true copy of Memorandum / Articles of Association, if applicable
- (iv) Copy of Audited Statement of Accounts for last three years
- (v) Land Utilization Plan, if available

Note: Documents at Sl. No. (ii) to (iv) shall not be required in respect of applicant organizations of State Government / Central Government as described at (a) to (d) of column 1 of the Form.

10. In the said rules, in Schedule II,—

(i) for serial number 14 and entries appearing against it under columns (2), (3), (4) and (5), the following serial number and the entries against it in the respective columns, shall be substituted, namely :—

“(1)	(2)	(3)	(4)	(5)
14.	For Brackish water pisciculture/ Prawn culture	(i) Collector	Not exceeding ten hectares on the recommendation of District Level Committee	Nil
		(ii) Government	Full powers	Full powers”

(ii) after serial No.15, the following serial and entries against it shall be inserted under appropriate columns, namely :—

“ 15 A	In favour of a Department / Authority of State Government or Central Government for execution of project whose layout has been approved by the Administrative Department concerned of State Government, being a linear project for laying of a highway, road or railway line including a bridge or flyover, drainage or sewerage line.	Collector	Full powers	Full powers”
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11. In the said rules, for Schedule III, the following Schedule shall be substituted, namely:—

“SCHEDULE III

(See rule 12)

Fees payable in course of proceedings under the Act

Sl. No.	Nature of documents, etc.	Fees to be charged
(1)	(2)	(3)
1.	Application for settlement -	
	(i) Application fees	Rs. 100.00
	(ii) Proclamation fees	Rs. 50.00
		(Up to three persons in each village and Rs. 15.00 for each additional person in a village)
	(iii) Measurement fee per plot	Rs. 100.00
2.	Petition of objection to the sanction of any settlement	Rs. 20.00
3.	Fee for service of notice on appropriate parties, respondents or dependants on summoning witness—	
	(i) In every case where personal or substituted service of any notice is required for service of the same documents	Rs. 50.00 (On not more than three persons in each village and additional fee of Rs. 15.00 for each additional person in a village)
	(ii) Fee for Issue of a general notice	Rs. 50.00
4.	Fee for incidental charges like establishment cost, contingencies etc. in case of lease / alienation of Government land in favour of any Department of Government for commercial purposes, in favour of any company, corporation or other organization for any purpose and in favour of any individual for any purpose of other than agriculture and homestead	At the rate of 10 percent of the premium subject to a minimum of Rs. 1000.00 per acre”

[16825-GE (GL)-S-10/2013/R&DM.]

By Order of the Governor

TARA DATT
Principal Secretary to Government

